

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CYNTHIA SPARKS,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

No. CV05-1439-PK

OPINION AND ORDER

MOSMAN, J.,

On September 7, 2005, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#27) in the above-captioned case recommending the Secretary of Health and Human Services' motion for summary judgment (#17) be granted. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Papak's recommendation to GRANT the Secretary's motion for summary judgment (#17), and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 1st day of November, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court